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6 Attorneys for Defendant
7 MCWANE, INC.

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**

10
11 BRADLEY SUMMERS and MICHELLE
SUMMERS,

12 Plaintiffs,

13
14 v.

15 MCWANE, INC.; DOES I through XX,
inclusive; and ROE CORPORATIONS I through
16 XX, inclusive,

17 Defendants.
18

Case No. 2:15-cv-01239-JCM-GWF

**STIPULATION AND ORDER TO
DISMISS PLAINTIFFS' PUNITIVE
DAMAGES CLAIMS WITHOUT
PREJUDICE**

19 IT IS HEREBY STIPULATED AND AGREED between Plaintiffs, BRADLEY SUMMERS
20 and MICHELLE SUMMERS, by and through their attorneys, John Shook, Esq. of the law firm of
21 Shook & Stone and Defendant, McWANE, INC. by and through its attorney, Marsha L. Stephenson,
22 Esq. of the law firm of Stephenson & Dickinson, P.C. that Plaintiffs' Punitive Damages Claims as
23 alleged in Plaintiffs' Complaint are hereby DISMISSED without prejudice, including, but not limited
24 to, the following allegations:

- 25 17. Defendants discovered, through testing and other means that the fire
26 hydrant and warnings related to the disassembly and maintenance of
27 the fire hydrant were unfit for their intended use and were
28 unreasonably dangerous. Defendants knew that the threaded hole
which mates the hex head bolt to the operating nut assembly (ONA)
is a through hole and allows the threaded end of the hex head bolt to

contact the interior volume of the ONA allowing increasing pressure to be felt directly on the hex head bolt thereby posing a substantial risk of harm to those working near the fire hydrant. Defendants knew about this threat and danger to human life, but nevertheless, willfully, wantonly and maliciously concealed this information and failed to correct the defect, all with the intention to deceive ultimate users. Plaintiffs are therefore entitled to punitive damages in an amount in excess of \$10,000.00.

Plaintiffs' Prayer for Relief seeking punitive damages against Defendants is also withdrawn, without prejudice.

DATED this 14 day of November, 2016.

SHOOK & STONE, CHTD.


JOHN B. SHOOK, ESQ.

Nevada Bar No. 5499
710 South Fourth Street
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(702) 570-0000

Attorneys for Plaintiffs
BRADLEY SUMMERS and
MICHELLE SUMMERS

DATED this 14 day of November, 2016.

STEPHENSON & DICKINSON, P.C.


MARSHA STEPHENSON, ESQ.

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Attorneys for Defendant
MCWANE INC.

ORDER

IT IS SO ORDERED.

DATED November 16, 2016.


U.S. DISTRICT JUDGE